



MICHAEL DELL'ANGELO / EXECUTIVE SHAREHOLDER
d 215.875.3080 m 610.608.8766 | mdellangelo@bm.net

December 19, 2023

VIA ECF

Brian M. Cogan, United States District Judge
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

**Re: *Piero Crivellaro v. Singularity Future Technology Ltd. et al.*,
Case No. 1:22-cv-7499-BMC**

Dear Judge Cogan:

We represent Lead Plaintiffs Ruibin Wang, Sen Gao, Luxiao Xu, and Congli Huo in the above-referenced case. We write to respectfully request the Court's approval to file a single omnibus memorandum of law not to exceed 60 pages in response to the Moving Defendants'¹ memoranda of law in support of their respective motions to dismiss Plaintiffs' Second Amended Complaint. Counsel for Plaintiffs believe that it would be more efficient to present their responses to all Moving Defendants in a single memorandum of law, tailored to the Moving Defendants' individual arguments, to avoid duplication and repetition and to aid the Court in its disposition of the pending motions to dismiss.

By way of background, on October 6, 2023, Plaintiffs filed their Second Amended Complaint. ECF 58. On October 17, 2023, counsel for the Singularity Defendants wrote to Plaintiffs' counsel "to propose a joint briefing schedule regarding defendants' anticipated motions to dismiss the second amended complaint." During the ensuing discussions, counsel for Plaintiffs inquired whether the Moving Defendants intended to file separate memoranda of law, an omnibus memorandum on behalf of all Moving Defendants, or a primary memorandum with short supplements for the individual defendants. On October 18, 2023, counsel for the Singularity Defendants responded: "At this point I believe that the defendants intend to file

¹ The "Moving Defendants" are John Levy (ECF 60); Jing Shan (ECF 61); Zhikang Huang and Singularity Future Technology Ltd. (collectively, the "Singularity Defendants") (ECF 62); Xiaohuan Huang and Yang Jie (ECF 63); and Lei Cao (ECF 64). Defendants Thor Miner, Inc. (ECF 41) and Golden Mainland, Inc. (ECF 42) were served with the Second Amended Complaint but have not entered appearances and did not answer or otherwise move as to the Second Amended Complaint.



separate briefs, as opposed to an omnibus brief.” No other Moving Defendant responded to the question, and counsel for the Singularity Defendants did not later provide a definitive position. Ultimately, the parties reached an agreement on the briefing deadlines which the Court approved, noting that it afforded a “lengthy extension.” *See* October 19, 2023, Order granting ECF 59. However, the parties did not further address how the briefing would be structured. On November 20, 2023, the Moving Defendants filed five separate motions to dismiss accompanied by five separate memoranda of law totaling over 100 pages of briefing. Four of the Moving Defendants’ five memoranda expressly incorporate the memoranda of other Moving Defendants. *See* ECF 62-5, at 6 (“Singularity and Zhikang [the Singularity Defendants] incorporate by reference the memoranda of law submitted by Defendants Yang Jie, Xiaohuan Huang, and Lei Cao as to Plaintiffs’ failure to allege a material misstatement or omission, scienter, Plaintiffs’ failure to conduct their own investigation, and control under Section 20(a) (which is applicable to Defendant Zhikang).”); ECF 63-47, at 6 n.1 (“Defendants Yang Jie and Xiaohuan Huang incorporate by reference and rely on the arguments made in Singularity’s and Lei Cao’s respective Motions to Dismiss.”); ECF 64-1, at 14 (“For the reasons set forth herein, as well as the reasons in Co-Defendants’ Motions, which Mr. Cao incorporates by reference and relies on....”); and ECF 61-1, at 9 (“for the reasons summarized above and for applicable reasons argued by Ms. Shan’s co-defendants in their respective motions”).

On December 15, 2023, Counsel for Plaintiffs wrote to counsel for all Moving Defendants to request their consent to Plaintiffs’ proposal to file a single omnibus brief of up to 60 pages in response to the pending motions to dismiss. On December 15, 2023, counsel for the Singularity Defendants (whose memorandum of law incorporates the memoranda of law of the individual defendants Yang Jie (ECF 63-47), Xiaohuan Huang (*id.*), and Lei Cao (ECF 64-1) (*see* ECF 62-5, at 6), opposed Plaintiffs’ request as to the Singularity Defendants stating “The time to discuss this was at the outset, not half way through briefing. This would be prejudicial to Defendants in a number of ways, including due to the fact that (as set forth in the various briefs) the allegations are really lacking with respect to many of the individuals. Others can speak for themselves, but we would oppose this.” To date, counsel for the remaining Moving Defendants – Levy, Shan, Xiaohuan Huang, Yang Jie, and Lei Cao – have not responded to Plaintiffs’ request. Accordingly, counsel for Plaintiffs submit that the Singularity Defendants oppose Plaintiffs’ request, and the position of the remaining Moving Defendants is, at best, unclear.

For the reasons set forth herein, Plaintiffs respectfully request leave to file a single omnibus memorandum of law not to exceed 60 pages in response to the Moving Defendants’ memoranda of law in support of their respective motions to dismiss Plaintiffs’ Second Amended Complaint.

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Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael Dell'Angelo".

Michael Dell'Angelo

cc: All Counsel of record (via ECF)